

Patient's entitlements—administrative review of violations.

630.115. 1. Each patient, resident or client shall be entitled to the following without limitation:

- (1) To humane care and treatment;
- (2) To the extent that the facilities, equipment and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice;
- (3) To safe and sanitary housing;
- (4) To not participate in nontherapeutic labor;
- (5) To attend or not attend religious services;
- (6) To receive prompt evaluation and care, treatment, habilitation or rehabilitation about which he is informed insofar as he is capable of understanding;
- (7) To be treated with dignity as a human being;
- (8) To not be the subject of experimental research without his prior written and informed consent or that of his parent, if a minor, or his guardian; except that no involuntary patient shall be subject to experimental research, except as provided within this chapter;
- (9) To decide not to participate or may withdraw from any research at any time for any reason;
- (10) To have access to consultation with a private physician at his own expense;
- (11) To be evaluated, treated or habilitated in the least restrictive environment;
- (12) To not be subjected to any hazardous treatment or surgical procedure unless he, his parent, if he is a minor, or his guardian consents; or unless such treatment or surgical procedure is ordered by a court of competent jurisdiction;

(13) In the case of hazardous treatment or irreversible surgical procedures, to have, upon request, an impartial review prior to implementation, except in case of emergency procedures required for the preservation of his life;

(14) To a nourishing, well-balanced and varied diet;

(15) To be free from verbal and physical abuse.

2. Notwithstanding any other sections of this chapter, each patient, resident or client shall have the right to an impartial administrative review of alleged violations of the rights assured under this chapter. The impartial administration review process shall be a mechanism for:

(1) Reporting alleged violations of rights assured under this chapter;

(2) Investigating alleged violations of these rights;

(3) Presenting patient, resident or client grievances on the record to a neutral decision maker; and

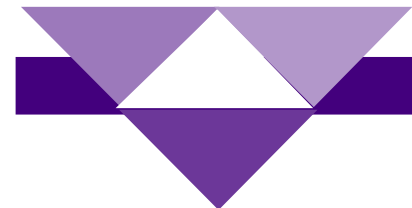
(4) Requiring that the neutral decision maker issue findings of fact, conclusions and recommendations.

3. The impartial administrative review process shall be completed within a timely manner after the alleged violation is reported.

4. This impartial review process shall not apply to investigations of alleged patient, resident or client abuse or neglect conducted pursuant to section 630.167.

MISSOURI DEPARTMENT OF

MENTAL
HEALTH



Rights of Department of Mental Health Consumers

The Department of Mental Health does not deny employment or services because of race, sex, creed, marital status, national origin, disability or age of applicants or employees.

Patient's rights — limitations.

630.110. 1. Except as provided in subsection 5 of this section, each person admitted to a residential facility or day program and each person admitted on a voluntary or involuntary basis to any mental health facility or mental health program where people are civilly detained pursuant to chapter 632, RSMo, except to the extent that the head of the residential facility or day program determines that it is inconsistent with the person's therapeutic care, treatment, habilitation or rehabilitation and the safety of other facility or program clients and public safety, shall be entitled to the following:

- (1) To wear his own clothes and to keep and use his own personal possessions;
- (2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;
- (3) To communicate by sealed mail or otherwise with persons including agencies inside or outside the facility;
- (4) To receive visitors of his own choosing at reasonable times;
- (5) To have reasonable access to a telephone both to make and receive confidential calls;
- (6) To have access to his mental and medical records;
- (7) To have opportunities for physical exercise and outdoor recreation;
- (8) To have reasonable, prompt access to current newspapers, magazines and radio and television programming.

2. Any limitations imposed by the head of the residential facility or day program or his designee on the exercise of the rights enumerated in subsection 1 of this section by a patient, resident or client and the reasons for such limitations shall be documented in his clinical record.

3. Each patient, resident or client shall have an absolute right to receive visits from his attorney, physician or clergyman, in private, at reasonable times.

4. Notwithstanding any limitations authorized under this section on the right of communication, every patient, resident or client shall be entitled to communicate by sealed mail with the department, his legal counsel and with the court, if any, which has jurisdiction over the person.

5. Persons committed to a residential facility or day program operated, funded or licensed by the department pursuant to section 552.040, RSMo, shall not be entitled to the rights enumerated in subdivisions (1), (3) and (5) of subsection 1 of this section unless the head of the residential facility or day program determines that these rights are necessary for the person's therapeutic care, treatment, habilitation or rehabilitation. In exercising the discretion to grant any of the rights enumerated in subsection 1 of this section to a patient, resident or client, the head of the residential facility or day program shall consider the safety of the public.

Complaints & Grievances

If you believe you have been physically or verbally abused or neglected, you may file a complaint with the person in charge of your agency, facility, or unit. An investigation of your complaint will be initiated immediately.

If you believe any of these rights have been violated, you may file a grievance with the person in charge of your agency, facility, or unit. An impartial review of your grievance will be conducted.

In addition to filing a complaint or grievance with the person in charge of your agency, facility, or unit, you may mail a copy of your complaint or grievance to the client rights coordinator whose address is below:

Client Rights Monitor
Department of Mental Health
P.O. Box 687
Jefferson City, MO 65102
1-800-364-9687

You may also direct your grievance or complaint to the Division Director of Comprehensive Psychiatric Services, Mental Retardation and Developmental Disabilities, or Alcohol and Drug Abuse at the address listed above.

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